

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 210

July 17, 1998, 9:10 a.m.
Page S-8427 Temp. Record

VA-HUD APPROPRIATIONS/Veterans & Smoking Disability Payments

SUBJECT: Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for fiscal year 1999 . . . S. 2168. Wellstone motion to waive the Budget Act for the consideration of the Wellstone amendment No. 3199.

ACTION: MOTION REJECTED, 54-40

SYNOPSIS: As reported, S. 2168, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for fiscal year 1999, will provide a net of \$93.332 billion in new budget authority, which is \$4.940 billion more than last year (a 5.6 percent increase) and \$749.5 million less than requested. Funds will not be expended on the Kyoto Protocol unless it is ratified, and the Environmental Protection Agency will be required to report on how it would implement the treaty if ratified. Discretionary funding for the Veterans Health Administration will be \$17.62 billion (\$232 million more than requested by President Clinton).

The Wellstone amendment would repeal the provision in the TEA 21 Highway Bill that claims \$15.4 billion in offsets from denying veterans' disability payments for smoking-related disabilities. The provision was prompted by a ruling by the legal counsel at the Veterans Affairs (VA) Department that disabilities related to smoking were service-connected disabilities, and should be treated on a par with disabilities incurred in combat. That ruling was opposed by the VA. President Clinton, Senate Republicans, and Senate Democrats all recommended rescinding it in their budget proposals for this year. The Office of Management and Budget (OMB) estimated that the ruling by that official would increase mandatory spending by approximately \$17 billion over 5 years, and the Congressional Budget Office (CBO) estimated it would increase it by approximately \$10.5 billion. In practice, the VA has not been granting many smoking-related disabilities claims in the very brief time that official's ruling has been in effect, so the actual cost, assuming no administrative or court-order expansion of benefits, may be more in the range of \$200 million. The OMB's estimate was used on TEA 21, which allowed a larger amount of mandatory spending under the budget rules. Under pay-go procedures, legislative proposals may not increase total mandatory spending. By rescinding the VA official's ruling, which had

(See other side)

YEAS (54)			NAYS (40)			NOT VOTING (6)	
Republicans (13 or 25%)	Democrats (41 or 98%)		Republicans (39 or 75%)	Democrats (1 or 2%)		Republicans (3)	Democrats (3)
Ashcroft	Akaka	Kerrey	Abraham	Inhofe	Baucus	Helms ⁻²	Dodd ^{2AY}
Bennett	Biden	Kerry	Allard	Kempthorne		McCain ⁻²	Glenn ⁻²
Bond	Bingaman	Kohl	Brownback	Kyl		Roberts ⁻²	Inouye ⁻²
Campbell	Boxer	Landrieu	Burns	Lott			
Collins	Breaux	Lautenberg	Chafee	Lugar			
Coverdell	Bryan	Leahy	Coats	Mack			
D'Amato	Bumpers	Levin	Cochran	McConnell			
Faircloth	Byrd	Lieberman	Craig	Murkowski			
Hutchison	Cleland	Mikulski	DeWine	Nickles			
Jeffords	Conrad	Moseley-Braun	Domenici	Roth			
Snowe	Daschle	Moynihan	Enzi	Santorum			
Specter	Dorgan	Murray	Frist	Sessions			
Thurmond	Durbin	Reed	Gorton	Shelby			
	Feingold	Reid	Gramm	Smith, Bob			
	Feinstein	Robb	Grams	Smith, Gordon			
	Ford	Rockefeller	Grassley	Stevens			
	Graham	Sarbanes	Gregg	Thomas			
	Harkin	Torricelli	Hagel	Thompson			
	Hollings	Wellstone	Hatch	Warner			
	Johnson	Wyden	Hutchinson				
	Kennedy						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

barely begun to go into effect and which had increased the expected amount of mandatory spending over 5 years by \$17 billion (according to the OMB), Congress was able to increase direct spending on the Highway Bill substantially without that direct spending being subject to a point of order. (For related debate, see vote Nos. 75-76, 147, and 187). The Wellstone amendment would also prohibit the OMB from changing its direct spending estimates and would prohibit the Budget Committee Chairman from adjusting direct spending outlays as a result of passage of this amendment.

Debate was limited by unanimous consent. After debate, Senator Domenici raised a point of order that the Wellstone amendment violated the Budget Act because it would increase the spending authorized by this bill by more than \$500 million above its allocation. Senator Wellstone then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote is required to waive the Budget Act. After the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

Those favoring the motion to waive contended:

We have already had several debates on this issue; all we are trying to do is get a clear, up-or-down vote. The Chairman of the Budget Committee has said that he believes that passage of this amendment would cause \$15 billion in cuts in nondefense discretionary spending caps, because that is the amount of mandatory spending that will not be paid for in the TEA 21 Highway Bill if we pass this amendment. However, we think that we have crafted the amendment in a manner that would avoid sequestration. We urge our colleagues to support this amendment to restore disability benefits for veterans with smoking-related disabilities.

Those opposing the motion to waive contended:

Passage of this amendment would force Congress to find \$500 million in new discretionary savings this year and \$15 billion through 2002. This proposal is not responsible. Senators have had this debate many times before, so the outcome is clear. Our colleagues are well aware that they do not have the 60 votes they need to waive the Budget Act. The bill before us will provide substantially more funding for veterans than President Clinton requested. That spending will be provided responsibly, by choices made by Members, and it will be provided within the budget caps. Senators who wish to provide veterans benefits should follow this bill's lead; they should not spend their time trying to reinstate a \$15 billion unilateral decision by a bureaucrat who overstepped his authority. If smoking-related disability benefits are given, they should not be given based on a single bureaucrat's strained interpretation of a law--no one can seriously maintain that Congress, at the time it passed that law, had any intent of providing disability benefits for veterans with smoking-related disabilities. The issue is new, and if anything it calls for a new law, not a new creative interpretation. We therefore urge our colleagues, yet again, to oppose the motion to waive for this proposal.